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Human rights situations that require the Council's attention

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), non-governmental organization in special consultative status; International Educational Development, Inc., and the World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Syria: UN Response to the Crisis*

This statement aims to demonstrate the response of the international community to the Syrian crisis through the United Nations and assess the impact on the ground. Hereby, we advocate for more effective UN actions to alleviate the suffering and to protect civilians. The confrontation between the government and armed groups in Syria resulted in complex civil conflict with involvement of regional and world powers, and ISIS taking advantage of the chaotic situation. It is estimated that close to half a million were killed1 since the beginning of the Syrian crisis in March of 2011. In 2017, the Humanitarian Response Team of Whole Syria assessed that 13.5 million people require humanitarian assistance, including 4.9 million people in need, trapped in besieged and hard-to-reach areas, where they are exposed to grave threats.

Over half of the population has been forced from their homes, and many people have been displaced multiple times. Children and youth, millions of whom have known nothing but conflict, comprise more than half of the displaced, as well as half of those in need of humanitarian assistance.2 Horrendous large-scale systematic human rights violations have been committed by all parties. These widespread and systematic crimes could be qualified as international crimes by the Rome Statute of the International Criminal Court. Those war crimes, crimes against humanity and genocide are not investigated, the perpetrators enjoy impunity, and victims are denied their right to remedy and reparation.

United Nations Response

The actions undertaken by the UN Security Council (UNSC) during the past seven years since the beginning of the armed conflict in Syria were limited due to the divisions among the veto-holding Council members (P5). Since 2011, UNSC expressed condemnation of violence in violation of international law, called for peace, ceasefire and resumption of political talks, for cessation of hostilities and humanitarian pause, imposed arms embargo, travel bans, and froze assets. Moreover, UNSC established the Organization for the Prohibition of Chemical Weapons-United Nations (OPCW-UN) Joint Investigative Mechanism (JIM) to determine responsibility for the use of chemical weapons in Syria and repeatedly referred to measures related to ISIS and Al-Qaida. However, the recent failure to renew the JIM's mandate and anticipated divergences over the re-authorisation for cross-border and cross-line operations may signal a trend toward even deeper polarisation and limitations on the rare initiatives that have been able to elicit the unanimous support of the Council.3

In 2011, the first UNSC action was a presidential statement that condemned the ongoing violence against protesters by Syrian forces and called for restraint on all sides. Later in October 2011, the first draft resolution recommending possible measures against Syria under Article 41 of the UN Charter was vetoed by China and the Russian Federation six times. Special Envoy Kofi Annan appointed in March 2012 proposed a six-point plan to cease troop movements and the use of heavy weapons in city centres. The Syrian government agreed to implement the plan and the Security Council authorized the deployment of the UN Supervision Mission in the Syrian Arab Republic (UNSMIS) to monitor its implementation. However, UNSMIS suspended its activities in four months due to intensified violence.

In September 2013, the unanimous SC Resolution 2118 required the verification and destruction of Syria's chemical weapons stockpiles and endorsed the establishment of a transitional governing body in Syria with full executive powers. UNSC adopted another resolution in relation to the measures directly impacting protection of civilians trapped by the armed conflict in Syria and authorised cross-border and cross-line access for the UN and its partners to deliver

1 Death count in Syria by the Syrian Network For Human Rights at http://www.iamsyria.org/death-tolls.html

2 2017 Humanitarian Needs Overview: Syrian Arab Republic, Strategic Steering Group and partners at https://www.humanitarianresponse.info/en/operations/whole-of-syria/document/2017-humanitarian-needs-overview-syrian-arab-republic

3 December 2017 Monthly Forecast, Security Council Report, Syria/Middle East, 30 November 2017 at http://www.securitycouncilreport.org/monthly-forecast/2017-12/syria_49.php

humanitarian aid in Syria without state consent and established a monitoring mechanism. In 2015, the Security Council condemned the use of toxic chemicals such as chlorine, without attributing blame and requested the UN Secretary-General and OPCW Director-General to recommend the establishment and operation of a UN-OPCW Joint Investigative Mechanism to determine responsibility for the use of chemical weapons in Syria but failed to renew it in 2017. The majority of the Council members, including the P3, publicly supported the conclusions of the JIM's final report that attributed responsibility to the Syrian government and the Islamic State in Iraq and the Levant (ISIL). But Russia questioned the JIM's credibility and its findings, pointing out that the investigations of incidents of alleged chemical use were conducted without on-site visits and without exhausting all available methods and methodologies of investigation.

In 2012-2014, the UN General Assembly (UNGA) adopted four resolutions on the situation of human rights in the Syrian Arab Republic condemning 'the continued widespread and systematic violations of human rights and fundamental freedoms by the Syrian authorities, such as the use of force against civilians, arbitrary executions, the killing and persecution of protestors, human rights defenders and journalists, arbitrary detention, enforced disappearances, interference with access to medical treatment, torture, sexual violence, and ill-treatment, including against children'. Also, UNGA supported initiatives of the Arab League on negotiating a peaceful solution to the crisis, including the endorsement of the Plan of Action of the League of Arab States and the establishment of a joint special envoy to facilitate the UN-Arab League initiative to negotiate a peaceful solution to the crisis.

Since 2011, UN Human Rights Council (HRC) regularly reviewed the deteriorating situation and adopted various resolutions. In April of 2011, a special HRC session was convened to address the situation of human rights in Syria upon the request of the US and the council adopted Resolution S-16/1, which unequivocally condemned 'the use of lethal violence against peaceful protesters by the Syrian authorities and the hindrance of access to medical treatment' and urged the government of the Syrian Arab Republic 'to immediately put an end to all human rights violations, protect its population and respect fully all human rights and fundamental freedoms, including freedom of expression and freedom of assembly'. Under the same resolution, the Office of the High Commissioner for Human Rights was authorized to dispatch a mission to Syria to investigate all alleged violations of international human rights law and to provide a preliminary report. In 2011, HRC established the Independent International Commission of Inquiry (CoI) on the Syrian Arab Republic.

Political Resolution

Under UNSC Resolution 2254, the political solution was thought to be found through peace talks between the Syrian government and opposition under the UN auspices. However, four rounds of negotiations facilitated by the UN envoy failed to bring any political resolution and armed hostilities further intensified. Despite UNSC's calls for peace, respective UN member states continued military combat and provision of support to one or another of the various warring parties.

Protection of Civilians

The Government of Syria bears the primary responsibility for protection of civilians. However, despite UNSC resolutions, violence in Syria has dramatically intensified and killings increased. The humanitarian access was gradually diminished, and the humanitarian response chronically underfunded. The measures undertaken by the international community through the United Nations decision-making bodies to protect civilians are not sufficiently effective. Humanitarian needs assessment identified 13.5 million persons in need of protection, out of this number around 6.6 million were reached in 2017.4

Humanitarian Access

UNSC repeatedly called on all parties to allow humanitarian access and cross-border humanitarian aid and numerously expressed the intent to take further steps in case of non-compliance. Despite it being central to the 2014 UNSC Resolution, humanitarian access was denied to some aid agencies. The number of civilians living in besieged or hard-to-

4 Syrian Arab Republic: Syria hub Protection and Community Services Sector activities snapshot, 14 January 2018.

reach areas that are difficult or impossible for aid agencies to reach are counted in millions. For example, the number doubled from 2.5 million in 2013 to 4.8 million at the start of 2015. Cross-border and cross-line humanitarian projects were often limited and hindered by bureaucratic impediments. The established de-escalation areas have not improved access.

International Contributions to the Humanitarian Response

As of January 2018, only 51% of the humanitarian appeal for 3.4 billion USD, in response to the Syrian crisis is funded. This budget is estimated to provide humanitarian aid to 13.5 million people in need. UNSC regularly encourages member states to provide contributions. However, the situation in reality speaks loud and clear. Only half of the humanitarian budget is covered. The overall picture becomes even darker in comparison with the military expenses of the UN member states involved in the Syrian armed conflict.

RECCOMENDATIONS

- All parties to the conflict should ensure compliance with international human rights and humanitarian law;
- United Nations Human Rights Council should urgently endorse an international independent investigation into alleged crimes against humanity and war crimes in Syria by all perpetrators;
- The situation in Syria should be referred to the International Criminal Court;
- UN member states should comply with and fully implement United Nations Security Council resolutions.

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*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, The Brussells Tribunal, Euro-Mediterranean Human Rights Monitor, Association of Humanitarian Lawyers (AHL), The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, International Anti-Occupation Network (IAON), NGO(s) without consultative status, also share the views expressed in this statement.